

J. Russell Stedman (117130), rstedman@bargerwolen.com
Travis R. Wall (191662), twall@bargerwolen.com
BARGER & WOLEN LLP
650 California Street, 9th Floor
San Francisco, California 94108-2713
Telephone: (415) 434-2800
Facsimile: (415) 434-2533

David Freitas (82012), dfreitas@scif.com
STATE COMPENSATION INSURANCE FUND
1275 Market Street, 3rd Floor
San Francisco, California 94103-1410
Telephone: (415) 565-1260
Facsimile: (415) 703-7059

Attorneys for Plaintiff
STATE COMPENSATION INSURANCE FUND

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

STATE COMPENSATION INSURANCE FUND,

CASE NO.: CV 09-02959 JSW (EDL)

Plaintiff,

vs.

METROPOLITAN WEST SECURITIES
LLC, a California limited liability company,;
WACHOVIA BANK, N.A.; DOES 1 through
10 inclusive; and DOES 11 through 20
inclusive.

[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART STATE FUNDS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM DEFENDANTS

Defendants.

Date: July 26, 2011
Time: 9:00 a.m.
Courtroom E, 15th Floor
Judge: Honorable Elizabeth D. LaPorte

Having reviewed Plaintiff State Fund Compensation Insurance Fund's ("Plaintiff") Motion to Compel Production of Documents from Defendants Wachovia Bank, N.A. (now Wells Fargo Bank N.A. as successor by merger with Wachovia Bank, N.A.), and Metropolitan West Securities LLC ("Defendants") based upon the briefs and arguments of counsel, and good cause appearing therefor:

The Court makes the following rulings with respect to the Plaintiff's motion. Except as provided below, Defendants shall produce responsive documents or information within 21 days of notice of entry of this Order:

1. RFP 72(70) & 73(71). Defendants shall provide Plaintiff with a reasonable map, including where practical by identifying documents by bates number, of all documents they produced in response to Requests for Production Nos. 72(70) and 73(71).

2. RFP 79 & 80. With respect to RFP 79, Defendants have already produced a document identifying transactional information for each purchase of Mainsail II commercial paper in 2006 or 2007 for all clients. Defendants shall supplement that document by appending a description or classification for each client type. With respect to RFP 80, Defendants shall produce the guidelines for each client that purchased Mainsail II. Defendants may redact client names and other identifying information and replace the name with the corresponding, unique identifiers used in the production in response to Request for Production No. 79. This ruling is without prejudice to Plaintiff to move at a later date for the disclosure of client names, or to Defendants opposing such a motion.

3. RFP 81 & 82. With respect to RFP 81, Defendants shall serve a spreadsheet identifying each purchase of Saschen Funding I commercial paper in 2006 or 2007 for all clients by providing the following information: a unique client identifier; a description of the client by company type; the date of purchase and settlement; the maturity date; and the amount/price/value. With respect to RFP 80, Defendants shall produce the guidelines for each client that purchased Saschen Funding in which the guidelines limited investments to domestic issuers or otherwise had a foreign/domestic distinction for commercial paper. Defendants may redact client

1 names and other identifying information and replace the name with the corresponding, unique
 2 identifiers used in the production in response to Request for Production No. 81.

3 4. Req. Nos. 83-87. The motion to compel a further response and production is denied
 4 with respect to Requests for Production Nos. 83 to 87.

5 5. Req. No. 122. The motion to compel a further response and production with respect
 6 to Request for Production No. 122 is denied without prejudice. The parties shall meet and confer
 7 further on this issue.

8 6. Req. No. 127. Defendants have agreed to produce all non-privileged, responsive
 9 documents to the extent they exist. If Plaintiff has any questions regarding the documents produced
 10 in response to this request, Plaintiff may identify the individuals concerned by name or by specific
 11 category. Defendants shall produce any responsive documents for those individuals (if not already
 12 produced) unless the individuals did not have substantive responsibility for Plaintiff's securities
 13 lending program or for communications with Plaintiff.

14 7. Req. Nos. 128-131. The motion to compel a further response and production with
 15 respect to Request for Production Nos. 128-131 is denied without prejudice. The parties shall meet
 16 and confer further on this issue.

17 8. Req. No. 140. With respect to WGSL Credit and Investment Committee packages, the
 18 parties previously reached agreement under a separate document request which is set forth in meet
 19 and confer correspondence. With respect to agendas, meeting minutes and handouts of the
 20 Evergreen Risk Management Committee and the Evergreen/WGSL "joint" risk management
 21 committee, Defendants shall produce all responsive documents from January 1, 2007 to November
 22 6, 2008 that relate to Mainsail II, subprime mortgages, residential mortgage backed securities, SIVs,
 23 SIV-lites, or approval or disapproval being given or a credit issue being raised with respect to asset
 24 backed commercial paper. Defendants may redact confidential or proprietary information
 25 pertaining to Evergreen or other third parties, provided the information to be redacted does not
 26 address any of these categories (except that other third party client names may nevertheless be
 27 redacted).

1 9. Req. No. 144. The motion to compel a further response and production with respect
2 to Request for Production No. 144 is denied.

3 10. Redaction issue. State Fund may request that any document that has been produced
4 or disclosed by Defendants be re-produced with fewer redactions. The parties shall then meet and
5 confer about the extent of any redactions. The presumption is that Defendants must unredact all
6 information except for client names or other identifying information unless there is a good reason
7 for additional redactions, and Defendants should err on the side of not redacting in light of the fact
8 that there is a protective order in this case.

9
10 **IT IS SO ORDERED.**

11
12 Dated: August 8, 2011



13 The Hon. Elizabeth D. Laporte
14 United States Magistrate Judge